

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS C. SHRADER,  
Plaintiff,  
v.  
M. ARVIZA,  
Defendant.

Case No. 1:22-cv-01413-HBK (PC)

ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS AND  
ORDER DIRECTING PAYMENT OF  
INITIAL FILING FEE BY FEDERAL  
BUREAU OF PRISONS

(Doc. No. 2)

Plaintiff Thomas C. Shrader, a federal prisoner, initiated this action by filing a pro se civil action seeking mandamus relief on November 2, 2022.<sup>1</sup> (Doc. No. 1). Plaintiff requests leave to proceed *in forma pauperis*. (Doc. No. 2). Plaintiff has made the showing required under § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. Plaintiff is obligated to make an initial payment of \$57.69 (the greater of 20% of the average monthly deposits or average monthly balance for the 6-month period immediately preceding the filing of the complaint). *Id.*, § 1915(b)(1)(B). Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited to his trust

<sup>1</sup> Plaintiff commenced this action by filing an "Immediate Emergency Writ of Mandamus Due to Exigent Circumstances" pursuant to 28 U.S.C. § 1361. (Doc. No. 1). After reviewing the pleading, the Court found the instant action does not challenge the fact or duration of Plaintiff's confinement but instead alleges violations of Plaintiff's rights under the Fifth and Sixth Amendments. (Doc. No.). As a result, on December 2, 2022, the Court redesignated this action as a prisoner mandamus action. (Doc. No. 5).

1 account. The Federal Bureau of Prisons is required to send the initial \$57.69 payment to the  
2 Clerk of Court and subsequent payments from Plaintiff's account each time the amount in his  
3 account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 Accordingly, it is **ORDERED**:

5 1. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.  
6 **2. The Director of the Federal Bureau of Prisons or his designee shall forward an**  
7 **initial payment of \$57.69 to the Clerk of Court from Plaintiff's prison trust account in**  
8 **accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly payments in an**  
9 **amount equal to twenty percent (20%) of the preceding month's income credited to the**  
10 **prisoner's trust account each time the amount in the account exceeds \$10.00, in accordance**  
11 **with 28 U.S.C. §1915(b)(2), until a total of \$350.00 has been collected and forwarded to the**  
12 **Clerk of Court. The payments shall be clearly identified by the name and number assigned**  
13 **to this action.**

14 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's  
15 *in forma pauperis* application on the Federal Bureau of Prisons.

16 4. The Clerk of the Court is directed to serve a copy of this order on the Financial  
17 Department, U.S. District Court, Eastern District of California.

18  
19 Dated: January 3, 2023

  
20 HELENA M. BARCH-KUCHTA  
21 UNITED STATES MAGISTRATE JUDGE  
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